

_____ BILL NO. _____

INTRODUCED BY _____
(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE STREAM PROTECTION LAWS; REQUIRING THAT STATE-FUNDED NEW, RELOCATED, AND RECONSTRUCTED WATER DEVELOPMENT PROJECTS BE DESIGNED AND CONSTRUCTED TO PREVENT ENTRY BY FISH INTO DIVERSIONS; REQUIRING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO APPROVE THE DESIGN OF THESE PROJECTS; AND AMENDING SECTION 87-5-507, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Fish protection measures required for state-funded water development projects.** (1) As used in this section, "water development project" means a structure that distributes water, including but not limited to offstream reservoirs, diversion dams, diversion canals, distribution canals, waste canals, drainage canals, return flow canals, dikes, lateral ditches, pumping units, mains, pipelines, and waterworks systems.

(2) Except as provided in subsection (3), state funds may be expended for a new, relocated, or reconstructed water development project only if the water development project is designed and constructed to prevent entry by fish into a device that diverts water from a water body. A fisheries biologist employed by the department shall provide written approval of the design of the water development project to ensure compliance with this subsection.

(3) Fish protection measures are not required if the person proposing to construct, relocate, or reconstruct a water development project can fully demonstrate that fish will not be entrained and diverted from a water body as a result of construction, relocation, or reconstruction of the water development project.

Section 2. Section 87-5-507, MCA, is amended to read:

"87-5-507. Irrigation projects excepted. ~~This part shall~~ Sections 87-5-502 through 87-5-509 do not apply to any irrigation district project or any other irrigation system."

NEW SECTION. **Section 3. Codification instruction.** [Section 1] is intended to be codified as an

1 integral part of Title 87, chapter 5, part 5, and the provisions of Title 87, chapter 5, part 5, apply to [section 1].

2 - END -